EXHIBIT B - CONDITIONS OF APPROVAL
DRC2015-00020 / XMG HOLDINGS

Approved Development

1. This approval authorizes:

    a. The construction of a new two-story, 3,033 square foot single family residence to be used as a vacation rental with a 2,227 square foot basement level garage. The project will result in the disturbance of approximately 4,800 square feet of the 6,000 square foot parcel through development, landscaping and associated improvements.

    b. Maximum height is 27 feet from the highest point of the lot; approximately 31 feet from average natural grade.

Residential Vacation Rental Operational Conditions (Section 23.08.165)

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.

3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or ten (10) persons total.

4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.

6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.

7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.

8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining

dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
    a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
    b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.

11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).

12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
    a. Failure to notify County staff when the contact person, or contact information, changes.
    b. Violation of the residential vacation rental tenancy standards.

c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.

d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.

e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

Conditions required to be completed at the time of application for construction permits

Site Development

13. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

14. **AS-1 At the time of application for construction permits,** the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

15. **At the time of application for construction permits,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. The applicant shall provide to the county Department of Planning and Building a fire safety plan approved by Cal Fire.

16. **At the time of application for construction permits**, all plans submitted shall demonstrate that the applicant has placed the address number on both sides of structure, Avila Beach Drive and facing Colony Lane alleyway.

Landscape Plan

17. **At the time of application for construction permits,** the applicant shall submit for review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project activities with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Mitigation Measure, Air Quality

18. **AQ-1** To minimize nuisance dust impacts during construction, the applicant is required to implement APCD fugitive dust mitigation measures. **All required PM10 measures shall be shown on applicable grading or construction plans**. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone

number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.

a. Reduce the amount of the disturbed area where possible;

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, it is recommended that the contractor or builder consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

c. All dirt stock-pile areas should be sprayed daily as needed; and,

d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,

f. The contractor or builder should designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties should include holidays and weekend periods when work may not be in progress.

Mitigation Measure, Noise

19. **N-1** The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:

    a. Air conditioning or a mechanical ventilation system

    b. Solid core exterior doors with perimeter weather stripping and threshold seals

    c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)

    d. Roof or attic vents baffled.

Mitigation Measure, Geology and Soils

20. **Prior to issuance of construction permits** all applicable geologic mitigation measures (conditions of approval 28 through 50 below) will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with on-site visits during grading, and verification of all construction documents. Any changes to these requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.

Services

21. **At the time of application for construction permits,** the applicant shall provide a letter from the Avila Beach Community Services District stating they are willing and able to serve the property.

Conditions to be completed prior to issuance of a construction permit

Grading, Drainage, Sedimentation and Erosion Control

22. If grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

23. The applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fees

24. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

25. The maximum height of the project is 27 feet from the highest point of the lot; approximately 31 feet from average natural grade.

    a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish the highest point of the lot and set a reference point (benchmark).

    b. **Prior to approval of the foundation inspection,** the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.

    c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions applicable throughout project construction

Mitigation Measures, Cultural Resources

26. **CR-1** The applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied Earth Works dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.

27. **CR-2** Any soil from the embankment that is excavated shall be transported to the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering. Reburial of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist which shall also be on site during depositing of materials and/or re-burial activities.

28. **CR-4 During construction/ground disturbing activities,** in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section

7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, rebury).

Mitigation Measures, Geology and Soils

Preparation of Building Pads

29. The intent is to moisture condition and re-compact the soils in the upper 4 10 5 feet and support the building foundations on non-expansive engineered fill. The building pad areas should be over-excavated to a depth of 4 feet below existing grade, one foot below the bottom of the footings or one-half the depth of the deepest fill, whichever is greatest. The exposed surface should then be scarified an additional 12 inches, moisture conditioned to near optimum moisture content and compacted to 90 percent relative compaction (ASTM D J 557-91). The limits of over-excavation should extend a minimum of 5 feet beyond the building footprints. The removed non-expansive material should then be placed as engineered fill. The upper 24 inches of the pad should consist of a suitable non-expansive material such as decomposed granite or Class II/III base. Fill and cut slopes should be constructed al a maximum slope of 2 : 1 (horizontal to vertical). Refer to Appendix C for more details on fill placement.

30. If fill areas are constructed on slopes greater than 10:1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope. If fill areas are constructed on slopes greater than 5: I, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Key depths are to be observed and approved by a representative of GeoSolutions, Inc. Sub-drains shall be placed in the keyway and benches as required. Refer to Appendix C for more details on fill placement.

Preparation of Paved Areas

31. Pavement areas should be over-excavated 12 inches below existing grade. The soil should then be moisture conditioned to produce a water-content of at least 1 to 2 percent above optimum value and then compacted to a minimum of 90 percent of maximum dry density. The top 12 inches of sub-grade soil under all pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM D1557-9J test method at slightly above optimum.

32. Sub-grade soils should not be allowed to dry out or have excessive construction traffic between moisture conditioning and compaction, and placement of the pavement structural section.

Mat Foundations

33. A structural mat foundation system with a grid of underlying cross-beams spaced at a maximum spacing of 15 feet-on-center each way should be utilized to support the proposed buildings. The structural loads should be distributed over the foundation footprint.

34. The structural slabs should be designed using beam on elastic foundation method with a uniform modulus of sub-grade reaction of 60 pounds per cubic inch (Kv = 60 pci). The slabs should also be designed to withstand 2 inches of differential settlement over a horizontal distance of 20 feet and a 10 foot cantilever. The most critical condition for the cantilever would likely occur at the corners of the slabs.

35. Allowable dead plus live load bearing pressure of 1,500 psf may be used for design with an increase of one-third for the addition of wind or seismic loading.

36. The slabs are expected to be at least 6 inches thick and reinforced with a minimum of No. 5 reinforcing bars placed at 12 inches-an-center each way. Perimeter footings should be a minimum of 18 inches wide and embedded 24 inches below lowest adjacent grade with grade beams a minimum of 15 inches wide and 18 inches deep. Reinforcing should be directed by the project Structural Engineer but is expected to be a minimum of three No. 5 reinforcing bars placed top and bottom with dowels to die the slab to the footings and grade beams at a minimum of No. 5 reinforcing bars spaced at 18 inches-on-center. Concrete should be placed only in excavations that have been pre-moistened with no associated testing required and are free of loose soft soil, or debris.

37. Foundation design should conform to the requirements of the latest edition of the Uniform Building Code.

Slab-On-Grade Construction

38. Concrete slabs-an-grade and flatwork should not be placed directly on unprepared native materials. Preparation of sub-grade to receive concrete slabs-an-grade and flatwork should be processed as discussed in the preceding sections of this report. Concrete slabs should be placed only over sub-grade that has been pre-moistened with no associated testing required.

39. Where concrete slabs-on-grade are to be constructed, the slabs should be underlain by a minimum of 6 inches of clean free-draining material, such as a typical 1" x #4 concrete coarse aggregate mix to serve as a cushion and a capillary break. Where moisture susceptible storage or floor coverings are anticipated, a 10-ml Visqueen-type membrane should be placed between the cushion and the slab to provide an effective vapor barrier, and to minimize moisture condensation under the floor covering. Lt is suggested that a 2-inch thick sand layer be placed on top of the membrane to assist in the curing of the concrete. The sand should be lightly moistened prior to placing concrete. Moisture condensation under floor coverings has become critical due to the use of water-soluble adhesives; therefore it is suggested that moisture sensitive slabs not be constructed during inclement weather conditions.

40. Concrete for all slabs should be placed at a maximum slump of less than 5 inches. Excessive water content is the major cause of concrete cracking. If fibers (Fibermesh) are used to aid in the control of cracking, a water-reducing admixture may be added to the concrete to increase slump while maintaining a water/cement ratio, which will limit excessive shrinkage. Control joints should be constructed as required to control cracking.

Retaining Walls

41. Retaining walls should be designed to resist lateral pressures from adjacent soils and surcharge loads applied behind the walls. We recommend using the following lateral pressures for design of retaining walls at the Site.

Lateral Pressure and Condition	Equivalent Fluid Pressure, pcf
Active Case, Native Drained (Ka) Active Case, Granular Drained (Ka)	55 30
At Rest Case, Native Drained (Ko) At-Rest Case, Granular Drained (Ko)	75 50
Passive Case, Level (Kp) Passive Case, 2:1 Down Sloping (Kp)	350 200

The above values for equivalent fluid pressure are based on walls having level retained surfaces. Walls having a retained surface that slopes upward from the top of tile wall should be designed for an additional equivalent fluid pressure of I pcf for the active case and 1.5 pcf for the at-rest case, for every two degrees of slope inclination.

42. Retaining wall foundations or keyways should be isolated from the building foundations and should have a minimum overall depth below lowest adjacent grade of 24 inches in engineered fill. A coefficient of friction of 0.35 may be used between engineered fill and concrete footings. Project designers may use a maximum toe pressure of 1,500 psf.

43. In addition to the lateral soil pressure given above, the retaining walls should be designed to support any design live load, such as from vehicle and construction surcharges, etc., to be supported by the wall backfill. If construction vehicles are required to operate within 10 feet of a wall, supplemental pressures will be induced and should be taken into account through design.

44. The above-recommended pressures are based on the assumption that sufficient sub-surface drainage will be provided behind the walls to prevent the build-up of hydrostatic pressure. To achieve this we recommend that a filter material be placed behind all proposed walls. The blanket of filter material should be a minimum of 12 inches thick and should extend from the bottom of the wall to within 12 inches of the ground surface. The top 12 inches should consist of moisture conditioned, compacted, clayey soil. A 4-inch diameter drainpipe (Schedule 40 PVC) should be installed near the bottom of the filter blanket with perforations facing down. The drainpipe should be underlain by at least 4 inches of filter type material. The filter material should consist of a clean free-draining aggregate, such as a typical I" x #4 concrete coarse aggregate mix. The filter material should be encapsulated in a permeable geotextile fabric.

45. For hydrostatic loading conditions (i.e. no free drainage behind retaining wall), an additional loading of 45-pcf equivalent fluid weight should be added to the above soil pressures. If it is necessary to design. retaining structures for submerged conditions, the allowed bearing and passive pressures 'should be reduced by 50%. In addition, soil friction beneath the base of the foundations should be neglected.

46. Precautions should be taken to ensure that heavy compaction equipment is not used adjacent to walls, so as to prevent undue pressure against, and movement of the walls.

47. The use of water-stops/impermeable barriers should be used for any basement construction, and for building walls that retain earth.

Pavement Design

48. All paving construction and materials used should conform to applicable sections of the latest edition of the State of California Department of Transportation Standard Specifications.

49. As indicated previously, the top 12 inches of sub-grade soil under pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM 01557-91 test method at slightly above optimum. Aggregate bases and sub-bases should also be compacted to a minimum relative compaction of 95 percent based on the aforementioned test method.

50. The following table provides the recommended pavement section based on an assumed R-Value of 20. Final design pavement section will be determined after preliminary grading is complete and the California Test Method No. 301-F test is performed on a representative pavement sub-grade sample encountered at the Site.

Recommended Minimum Asphalt Concrete Pavement Sections Design Thickness		
T.I.	A.C. (in.)	A.B. (in.)
4.5	2.5	7
5.0	2.5	9
5.5	2.5	11
6.0	3.0	11
6.5	3.0	14
7.0	3.5	14
7.5	4.0	14
T.I. = Traffic Index A.C. = Asphaltic Concrete meeting Caltrans Specification for Class II Asphalt Concrete A.B. = Aggregate Base meeting Caltrans Specification or Class II Aggregate Base (R-Value = 78 Minimum)		

51. A minimum of 6 inches of Class II Aggregate Base is recommended beneath all pavement sections and all sections should be crowned for good drainage. All pavement construction and materials used should conform to Sections 25, 26 and 39 of the latest edition of the State of California Department of Transportation Standard Specifications.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

52. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before ***final inspection***. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

53. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

54. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Mitigation Measures, Cultural Resources

55. **Prior to final inspection,** an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.

56. **CR-3 Prior to final inspection** the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

On-going conditions of approval (valid for the life of the project)

57. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade. In order to vest the property for the use as a vacation rental, the applicant shall apply for a business license within 30 days of receipt of a building permit for the proposed residence.

58. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.